



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

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## Executive Office

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Arnold Schwarzenegger  
Governor

October 5, 2005

Mr. Ted Heyck  
2106 Live Oak Drive East  
Los Angeles, CA 90068-3639

Mr. Mark L. Tubbs  
27931 St. Bernard Lane  
Lake Arrowhead, CA 92352

Mr. Ken and Ms. Rosalie Grethen  
1802 West Carriage Drive  
Santa Ana, CA 92704

Mr. Jack Kister  
[kist234567.aol.com](mailto:kist234567.aol.com)

Dear Messrs. Heyck, Tubbs, Kister, Grethen and Ms. Grethen:

### LAKE ARROWHEAD

Thank you for your letters requesting that the State Water Resources Control Board (State Water Board) conduct a “policy statement” session in Lake Arrowhead to listen to the oral comments of property owners in the Lake Arrowhead area. The State Water Board recognizes and appreciates your interest in the hearing.

The State Water Board is an adjudicative body that conducts evidentiary hearings before making decisions on disputed water right actions. The purpose of the State Water Board’s upcoming hearing is to receive technical evidence in a trial-type setting that will assist the State Water Board in deciding whether and to what extent the Lake Arrowhead Community Services District (District) has water rights that allow it to take water from the lake for municipal purposes. The State Water Board also will have to decide, if it concludes that the water rights are not adequate for municipal purposes, what corrective actions to require and what amount of civil liability to impose on the District. When it prepares its decision, the only evidence that the State Water Board can use in making its findings is the evidence that it receives during the hearing, complying with statutory procedures. Any testimony that the State Water Board uses in making findings of fact must be taken under oath and must be available for cross-examination. In the hearing, the State Water Board expects to receive technical evidence involving historical records, water project operations, alternative methods of delivering water, etc., that is relevant to deciding the key issues in the hearing notice.

In addition to the value of the evidence it will receive, the State Water Board recognizes a value to receiving input from members of the public. Because it recognizes the value of public input, the State Water Board makes allowance for people who do not wish to present formal evidence

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to provide their input. The State Water Board considers this input similarly to its consideration of arguments it receives from the attorneys of parties presenting evidence. There are several ways that members of the public can provide their input. First, members of the public can submit written statements to the State Water Board. The Board members are committed to reading and considering the written statements whether or not the persons submitting them also appear in person at the hearing. Second, if members of the public want to do so, they also can come to the hearing and present five-minute oral policy statements during the time allotted for such statements. The Board requests, however, that such oral policy statements be provided in writing before they are presented and that the oral statement be used to summarize the written statement. Additionally, the Board requests that persons planning to present oral policy statements send the State Water Board staff a Notice of Intent to Appear, using the form attached to the hearing notice, so that the Board can estimate the amount of time to allot to policy statements.

The State Water Board will conduct the hearing, including allowing time for policy statements, in Sacramento. I encourage each of you, if you are unable to personally attend the hearing, to take advantage of the opportunity to submit written comments to the State Water Board. Mr. Katz and I, as the hearing officers, are committed to reading and considering all of them. Further, if a group of you wishes to appoint a spokesperson who will be at the hearing, I encourage you to have that person present your statements for you. This will save you time and expense, and will also save the Board time and expense.

If you have questions about procedures for submitting your policy statements, you may contact Barbara Leidigh, Staff Counsel IV, at (916) 341-5161.

Sincerely,

/ s /

Arthur G. Baggett, Jr.  
Board Member

cc: Mailing List